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Attorneys for Defendant
Navient Solutions, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ASHLEY BOTELLO, individually, and on behalf
of other similarly situated consumers,

Plaintiff,

v.

NAVIENT SOLUTIONS, LLC,

Defendant.

Civil Case No. _____

DEFENDANT'S NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446

Defendant Navient Solutions, LLC, ("Navient"), by and through its undersigned counsel Holland & Knight LLP, respectfully files this Notice of Removal for the matter captioned *Ashley Botello, individually, and on behalf of other similarly situated consumers v. Navient Solutions, LLC*, filed in the Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-L-003991-22, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1446 and states as follows:

1. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days of the date when Navient received a copy of the initial pleading setting forth the claim for relief upon which this action is based.

2. On or about July 22, 2022, Plaintiff Ashley Botello (“Plaintiff”), filed a Summons and Complaint in the Superior Court of New Jersey, Law Division, Bergen County, bearing Docket No. BER-L- L-003991-22 (the “State Court Action”).¹ A true copy of the Plaintiff’s Summons and Complaint, which was served on Navient on August 22, 2022, is attached hereto as **Exhibit A**.

3. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 because Plaintiff has alleged a cause of action under the Fair Credit Reporting Act, 15 U.S.C. § 1681 (“FCRA”).

4. Plaintiff’s Complaint is removable to the United States District Court for the District of New Jersey because the Complaint presents a federal question. Specifically, 28 U.S.C. § 1331 provides that district courts shall have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 1331. Plaintiff’s FCRA claim clearly provides the basis for this Court’s jurisdiction. Navient is entitled to remove this action to the District Court in accordance with 28 U.S.C. § 1441(a).

5. All of Plaintiff’s causes of action arise from the same alleged misconduct by Navient. *See* Complaint, attached hereto as **Exhibit A**.

6. Pursuant to 28 U.S.C. § 1367, this Court may also exercise supplemental jurisdiction over any state law claims not governed by federal law.

7. The filing of this Notice of Removal is timely because less than thirty (30) days have elapsed since the date of service on Navient. Section 1446(b) provides:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has been filed in court and is not required to be served on the defendant, whichever period is shorter.

¹ Navient’s response to the Complaint under the New Jersey Court Rules would be due in the state Court proceeding on September 21, 2022. Pursuant to Rule 81(c)(2)(C) of the Federal Rules of Civil Procedure, Navient’s response to the Complaint will be due seven (7) days after this Notice of Removal is filed.

8. Plaintiff's Complaint was served on Navient on August 22, 2022. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

9. The State Court Action is removable to the United States District Court for New Jersey because the Summons presents a federal question. Specifically, 28 U.S.C. § 1331 provides that "district courts shall have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States." *See* 28 U.S.C. § 1331. Plaintiff's claim provides the basis for this Court's jurisdiction as Plaintiff has brought suit under the laws of the United States. Accordingly, Navient is entitled to remove this action in accordance with 28 U.S.C. § 1441(a).

10. The United States District Court for the District of New Jersey embraces Bergen County, New Jersey, where the State Court Action is pending.

11. Other than the Complaint, no other pleadings or papers have been filed in this action.

12. For the foregoing reasons, this action may be removed to this court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. Wherefore, the State Court Action is hereby removed to this court from the Superior Court of Bergen County, New Jersey.

Date: September 16, 2022
New York, New York

Respectfully submitted,

HOLLAND & KNIGHT LLP

/s/ Clayton Vignocchi
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**COUNSEL CERTIFICATION IN SUPPORT OF DEFENDANT'S
NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446**

I, Clayton Vignocchi, of full age, hereby certify and declare as follows:

1. I am an attorney-at-law of the State of New Jersey with the law firm of Holland & Knight LLP, counsel for Defendant Navient Solutions, LLC ("Navient").

2. I have read Navient's Notice of Removal and the contents thereof are true to the best of my knowledge, information and belief.

3. Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,

/s/ Clayton Vignocchi
Clayton Vignocchi

Date: September 16, 2022
New York, New York

CERTIFICATE OF SERVICE

I, Clayton Vignocchi, hereby state that on September 16, 2022, I electronically filed the foregoing Notice of Filing Notice of Removal with the Clerk of the Court using the ECF electronic filing system, which will send notification of such filing to the registered, interested parties via electronic mail.

/s/ Clayton Vignocchi
Clayton Vignocchi